

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BANKRUPTCY DIVISION**

**IN RE: SHAMBHALA TREATMENT
CENTER, LLC,
DEBTOR**

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**CASE NO. 23-33463
(CHAPTER 11)**

**IN RE: CROCKETT PATHWAYS LLC,
DEBTOR**

§
§

**CASE NO. 23-33464
(CHAPTER 11)**

KONSTANTIN SAVVON,
Plaintiff,

v.

**CHONG SOPHIA HAN aka SOPHIA
HAN INDIVIDUALLY and CROCKETT
PATHWAYS, LLC**
Defendants.

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Adversary Cause No. _____

DEFENDANT'S NOTICE OF REMOVAL

COME NOW, Defendants Chong Sophia Han aka Sophia Han, individually, and Crockett Pathways, LLC, and file this notice of removal under 28 U.S.C. § 1446(a).

A. INTRODUCTION

1. Plaintiff is Konstantin Savvon; Defendants are Chong Sophia Han aka Sophia Han, individually, and Crockett Pathways, LLC.

2. On June 9, 2023, Plaintiff sued Defendants for allegedly fraudulent transfer of property and to quiet title to certain real property in Cause Number 23-0085 the 3rd Judicial District Court of Houston County, Texas, in a case styled *Konstantin Savvon v. Chong Sophia Han aka Sophia Han individually and Crockett Pathways, LLC*.

3. Defendants have not yet been served with the citation and petition. However,

Defendants received notice of the suit on September 19, 2023 through correspondence with a title company. Accordingly, Defendants file this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b)(1). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

4. Removal is proper because plaintiff's suit involves a federal question. 28 U.S.C. §§ 1331, 1441(a); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005); *Broder v. Cablevision Sys. Corp.*, 418 F.3d 187, 194 (2d Cir. 2005); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996). Specifically, plaintiff's claim arises under bankruptcy law, and federal district courts have jurisdiction over all civil proceedings arising under title 11 of Chapter 28 of the United States Code (*i.e.*, bankruptcy proceedings), or arising in or related to cases under title 11. *See* 28 U.S.C. § 1334(b).

5. More specifically, on September 5, 2023, having not received service or notice of the suit, Defendant Crockett Pathways LLC filed for Chapter 11 bankruptcy in this Court under Cause Number 23-33463. Accordingly, this Court has exclusive jurisdiction over this proceeding as it relates to property of the estate. *See* 28 U.S.C. § 1334(e)(1).

6. All defendants who have been properly joined and served join in or consent to the removal of this case to federal court. 28 U.S.C. § 1446(b)(2)(A); *Cook v. Randolph Cnty.*, 573 F.3d 1143, 1150–51 (11th Cir. 2009); *Pritchett v. Cottrell, Inc.*, 512 F.3d 1057, 1062 (8th Cir. 2008); *Harper v. AutoAlliance Int'l, Inc.*, 392 F.3d 195, 201–02 (6th Cir. 2004). Specifically, on information and belief, no other co-defendants have been served, and on further information and belief any other co-defendants (*i.e.*, Ms. Han) would consent to removal.

7. Copies of all pleadings, process, orders, and other filings in the state-court suit are

attached to this notice as required by 28 U.S.C. § 1446(a). See Exhibit "A".

8. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

9. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. JURY DEMAND

10. Plaintiff did not demand a jury in the state-court suit.

D. CONCLUSION

11. Plaintiff commenced a state action concerning estate property of a title 11 bankruptcy debtor, over which the bankruptcy court has exclusive jurisdiction. For these reasons, defendant asks the Court to remove the suit to the United States Bankruptcy Court for the Southern District of Texas.

Respectfully submitted,

HAYES HUNTER P.C.

/s/ Charles Clinton Hunter

By: _____

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Attorneys for Defendants

**Chong Sophia Han aka Sophia Han, and
Crockett Pathways, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 25, 2023, a true and correct copy of the foregoing instrument was served via e-serve upon all interested parties.

/s/ Charles Clinton Hunter

Charles Clinton Hunter